

Patent

Attorney Docket No. 1018793-000272

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of

Shoji OBUCHI et al.

Application No.: 10/506,439

Filing Date: September 2, 2004

Title: LACTIC ACID-BASED RESIN COMPOSITION

MAIL STOP ISSUE FEE

Group Art Unit: 1713

Examiner: ROBERT D HARLAN

Confirmation No.: 8352

MAR 21 2006

THIRD
INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a THIRD Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- ☐ No additional fee for submission of an IDS is required.
- ☐ The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- ☒ A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☒ Charge \$ 180.00 to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL PC

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620Date: March 7, 2006

By



Robert G. Mukai

Registration No. 28,531

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Buchanan Ingersoll PC
ATTORNEYS

Including attorneys from Burns Doane Swecker & Mathis

(8/05)

Attorney's Locket No. 1018793-000272**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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CENTRAL FAX CENTER**MAR 21 2006****THIRD INFORMATION DISCLOSURE STATEMENT**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of the Chinese Office Action, an English translation thereof and the cited document (Chinese Patent No. 1050203A) are enclosed.

In addition, there is enclosed a copy of the English language WO 90/1521 (D1) which has been provided to the undersigned attorney, is believed to correspond to Chinese Patent No. 1050203A and which discloses an environmentally degradable composition comprising blends of a physical mixture of polylactic acid (polylactide), and a polymer selected from the group consisting of a polymer of ethylene terephthalate, a polymer or copolymer of styrene, ethylene, propylene, vinyl chloride, vinyl acetate, alkyl methacrylate, alkyl acrylate, and physical mixtures thereof (page 73, line 32 to page 74, line 2 of WO 90/1521 or page 70, lines 2-4 of CN 1050203A).

It is noted that the cited document does not teach the claimed composition, such as that in claim 1, which defines a lactic acid-based resin composition comprising a lactic acid-based resin (component (A)), and an ethylene-unsaturated carboxylic acid copolymer (component (B)) and/or an ethylene-unsaturated carboxylic acid copolymer ionomer (component (C)). Applicants respectfully submit that the claims are patentable over the document cited in the Chinese Office Action based on the same rationale used by the Examiner in the statement of reasons for allowance (i.e., does not teach component (B) and/or component (C))(which is combined with component (A)). Accordingly, while applicants are concurrently filing Comments on Statement of Reasons for Allowance relating

(8/05)

THIRD information Disclosure Statement
Application No. 10/506,439
Attorney's Docket No. 1018793-000272
Page 2

to the Examiner's description of certain prior art identified during the prosecution of the present application, applicants believe that the rationale is correct.

To assist the Examiner, the document is listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

The document is being submitted after the close of prosecution but prior to the payment of the issue fee, therefore under 37 C.F.R. § 1.97(d) a statement (which follows) and the fee of \$180 set forth in 37 C.F.R. § 1.17(p) are enclosed.

I, the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from the Chinese Patent Office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement.

This Information Disclosure Statement contains information which is not in the English language but was cited in an office action by a foreign patent office in a counterpart foreign application. In accordance with MPEP § 609 III A(3), and as noted above, an English language version of the action which indicates the degree of relevance found by the foreign office is being submitted herewith.

Should the Examiner wish to discuss any aspect of the present application, he is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL PC
(INCLUDING ATTORNEYS FROM BURNS, DOANE, SWECKER & MATHIS)

By: Robert G. Mukai

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Date: March 7, 2006

MAR-21-2006 13:36

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P.09/19

MAR 21 2006

THIRD INFORMATION DISCLOSURE STATEMENT BY APPLICANT <small>(use as many sheets as necessary)</small>			Complete If Known		
			Application Number	10/506,439	
			Filing Date	September 2, 2004	
			First Named Inventor	Shoji Obuchi et al.	
			Examiner Name	ROBERT D HARLAN	
Sheet	1	of	1	Attorney Docket Number	1018793-000272

U.S. PATENT DOCUMENTS				
Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)

FOREIGN PATENT DOCUMENTS												
Examiner Initials	Document Number	Kind Code (If known)	Country	Date of Publication (MM-DD-YYYY)	STATUS							
					Translation	Partial Translation	Eng. Lang. Summary	Office Action	IPER	Abstract	Cited in Spec	
	1050203*	A	CN (corres to WO 90/1521)	03-27-1991				X				

NON-PATENT LITERATURE DOCUMENTS	
Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

*Copy attached.

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.